UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,331	07/29/2003	John J. Roese	ENI-048	6575

35557   7590   10/31/2007
CHRIS A. CASEIRO
VERRILL DANA, LLP
ONE PORTLAND SQUARE
PORTLAND, ME 04112-0586

EXAMINER
BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/629,331	ROESE ET AL.
	Examiner	**Art Unit**	
	Alina N. Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>41-58</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>41-58</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed May 4, 2007. Claims 1-40

have been cancelled. Claims 41-58 are pending in the present application.

Election/Restrictions

Applicant's election with traverse of 41-58 in the reply filed on August 20, 2007 is

acknowledged. The traversal is on the ground(s) that an election cannot be made because the

restriction requirement fails to identify a plurality of grouping of claims from which an election

can be made, and the presently claims contain all the limitations set out in the original claims,

and therefore can be classified as the original claims. This is found persuasive; therefore the

restriction requirement is now withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 41-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeman in

view of Vaid.

Regarding claim 41, Seeman teaches a method of controlling the usage by an attached function of network services associated with a network system that includes the attached function, one or more other attached functions and network infrastructure, the method comprising the steps of:

a. acquiring information about an attached function seeking access to the network services (figure 4; [0175-0177] ;

b. associating a level of trust with the information about the attached function (abstract; [0021-0022];

c. granting to the attached function preliminary entry to the network system based upon the information acquired (figure 4: [0175-0177]);

d. determining whether a stored policy history exists for the attached function [0051 – rule matching];

e. if the stored policy history exists for the attached function, establishing for the attached function one or policies for network services usage based upon the stored policy history [0053 – modifying existing rules];

f. if no stored policy history exists for the attached function, establishing for the attached function one or more static and dynamic policies for network services usage [0053 – adding new rules];

g. monitoring the network usage for triggers (abstract; [0021]); and

h. modifying for the attached function one or more of the policies upon detection of one or more triggers ([0023]).

However, Seeman does not explicitly teach establishing for the attached function one or

more static and dynamic policies, and modifying for the attached function one or more of the

static and dynamic policies upon diction of one or more triggers. In an analogous art, Vaid

teaches establishing for the attached function one or more static and dynamic policies, and

modifying for the attached function one or more of the static and dynamic policies upon

detection of one or more triggers (figure 3; col. 27, line 45 to col. 28, line 28). At the time the

invention was made, one of ordinary skill in the art would have been motivated to establish static

and dynamic policies and modify the static and dynamic policies upon the detection of a trigger

in order to protect the managed resources in the network, thus making the network system more

robust.

Regarding claim 42, Vaid teaches the method as claimed in Claim 41 wherein the step of

modifying for the attached function one or more of the static and dynamic policies is performed

independent of any action of the attached function (figure 3; col. 27, line 45 to col. 28, line 28).

Regarding claim 43, Vaid teaches the method as claimed in Claim 41 wherein the step of

modifying for the attached function one or more of the static and dynamic policies comprises the

step of changing a static policy to a dynamic policy (col. 27, line 45 to col. 28, line 28).

Regarding claim 44, Vaid teaches the method as claimed in Claim 41 wherein the step of

modifying for the attached function one or more of the static and dynamic policies comprises the

step of changing a dynamic policy to a static policy (col. 27, line 45 to col. 28, line 28).

Regarding claim 45, Vaid teaches the method as claimed in Claim 41 wherein the static

and dynamic policies relate to usage policies by the attached function of any network service and

not solely ingress and egress to and from the network system by the attached function (col. 27,

line 45 to col. 28, line 28).

Regarding claim 46, Vaid teaches he method as claimed in Claim 41 wherein the step of

modifying for the attached function one or more of the static and dynamic policies occurs per

flow (col. 27, line 45 to col. 28, line 28).

Regarding claim 47, Vaid teaches the method as claimed in Claim 41 wherein the step of

modifying for the attached function one or more of the static and dynamic policies occurs per

session (col. 27, line 45 to col. 28, line 28).

Regarding claim 48, Seeman teaches the method as claimed in Claim 41 further

comprising the step of saving set and modified policies associated with the attached function as

the stored policy history for the attached function [0019].

Regarding claim 49, Seeman teaches the method as claimed in Claim 48 further

comprising the step of establishing rules of hierarchy for saved set and modified policies (figure

14).

Regarding claim 50, Seeman teaches the method as claimed in Claim 49 wherein a

portion of the saved set and modified policies are stored on a local network infrastructure device

to which the attached function is directly connected and a remainder of the saved set and

modified policies are stored on a central network infrastructure device to which the attached

function is not directly connected (figure 14).

Regarding claim 51, Seeman teaches the method as claimed in Claim 50 further

comprising the step of overriding saved set and modified policies stored on the centrally located

network infrastructure device with saved set and modified policies stored on the local network

infrastructure device (figure 14).

Regarding claim 52, Seeman teaches the method as claimed in Claim 48 further

comprising the step of invalidating the saved set and modified policies upon the occurrence of a

specified event (figure 140.

Regarding claim 53, Seeman teaches the method as claimed in Claim 41 wherein the only

static policy is that there are only dynamic policies [0016].

Claims 54-58 are similar to claims 41, 42 and 50-52, respectively, therefore are rejected

under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner

in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANB

ANB

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100